

1 THE COURT: Objection sustained as to leading.

2 BY MR. ACCETTA:

3 Q. Crime Scene is called out to the scene?

4 A. Yes.

5 Q. To the best of your knowledge on that day, that
6 early afternoon, were they -- did they arrive?

7 A. I was there when they arrived.

8 Q. Now --

9 A. She arrived.

10 Q. -- you don't recall sitting here today in front of
11 Judge Trawick whether she arrived prior to the defendant being
12 Mirandized or after Miranda, because you did not read Miranda;
13 right?

14 MR. HIRSH: Objection, asked and answered.

15 THE COURT: Sustained. He answered that question,
16 Counsel.

17 BY MR. ACCETTA:

18 Q. Okay. I am saying, did you read him Miranda?

19 A. No.

20 Q. Officer Silvagni read him Miranda?

21 A. Yes.

22 Q. And he would be a better witness to tell you --

23 MR. HIRSH: Objection, leading.

24 THE COURT: Objection sustained.

25 BY MR. ACCETTA:

1 Q. He would be a better witness to tell you when Crime
2 Scene arrived?

3 A. Yes.

4 MR. ACCETTA: Judge, at this point I have no further
5 questions for this witness, but I would like to reserve
6 to just indicate to the witness to keep in touch.

7 THE COURT: How many more witnesses do you intend to
8 call?

9 MR. ACCETTA: That is his only issue, but if this
10 witness can exit the courtroom, I will address the issue.

11 THE COURT: Sergeant, thank you very much. You may
12 be called at a later point in this hearing, so I will ask
13 you to remain available.

14 Thank you.

15 MR. ACCETTA: Judge, I have two issues. The first
16 issue, there is an issue I addressed with defense counsel
17 last week when he was supposed to be in court on Monday
18 and I had his office fax and also my witness coordinator,
19 Tomika Miller, contact his secretary to indicate that I
20 had a motion on that was regarding a motion to hear this
21 case and I had another motion before Your Honor that was
22 never addressed because defense counsel never arrived and
23 I, as per our telephone conversation -- correct me if I
24 am wrong, Counsel -- a motion was involving reciprocal
25 discovery and any request made by defense counsel I

1 believe on Section Y119 of Public Records Request, would
2 trigger a reciprocal discovery obligation with defense
3 counsel.

4 One thing that bothered me was he indicated to me he
5 will not -- he disputed that and he indicated to me that
6 he doesn't believe he has invoked reciprocal discovery
7 and I disagreed with him on that, I said, "Well, I will
8 file the motion in writing as per his request, just as
9 long as you don't use any material at the motion to
10 suppress a hearing that involves any public records
11 request or any information that he received through that
12 request."

13 He would not and I hear him tell Your Honor on
14 State's Exhibit One, and he said, "Judge, I have a copy
15 of that if you would like."

16 Well, State's Exhibit One is a police -- is actually
17 the stolen vehicle affidavit that defense counsel alluded
18 to. Just how would defense counsel have that
19 information? I believe he was referring to several
20 police reports during cross-examination of what was in
21 the reports and I would like defense counsel to go on
22 record and indicate to Your Honor how he has this
23 information without ever requesting discovery from my
24 office or the City of Miami Beach Police Department.

25 THE COURT: Why is this an issue now in the middle

1 of the suppression hearing?

2 MR. ACCETTA: Because if he has the other evidence
3 that I don't know about that he obtained that could be
4 used against my witnesses on cross-examination, which was
5 the reason why I indicated to him, I would want Your
6 Honor to hear the motion prior to suppression hearing,
7 because he can be using material that I feel invokes
8 reciprocal discovery, then in his case in chief if he
9 decides to put a case on, he can be using information
10 that could have been discoverable for myself and
11 investigated prior to the hearing.

12 THE COURT: Even if that were to be true, how would
13 that affect this suppression hearing?

14 MR. ACCETTA: Because if defense indicates yes, he
15 did make a public records request and yes, he does have
16 police reports, then I would know for a fact that
17 reciprocal discovery has been invoked and prior to him
18 putting a case on without me knowing whether or not he is
19 going to use that information, that would have been
20 available to me if Your Honor had ruled on that motion
21 prior to the hearing. So if he puts information where
22 reciprocal discovery has been invoked, then I would be
23 left out there saying, "Well, I didn't know about that,"
24 and I just want to put Your Honor on notice that I had
25 this conversation with defense counsel and just want to

1 know at this point, before I put my next witness on, does
2 he intend to use any information that was not turned over
3 to me, and if not, then it is not an issue, but I think I
4 need this information prior to my witness testifying.

5 MR. HIRSH: I would like to respond, if I may,
6 Judge.

7 THE COURT: Go ahead.

8 MR. HIRSH: First of all, as I understand Mr.
9 Accetta sometime early on in the game --

10 MR. ACCETTA: I object to any type --

11 MR. HIRSH: I object to your snide remarks.

12 MR. ACCETTA: -- any type --

13 THE COURT: Hold on. Gentlemen, please. Let's be
14 civil. Go ahead.

15 MR. HIRSH: I never received any written motion. I
16 got a call from Mr. Accetta saying, "Why aren't you hear
17 in court?" I never received any motion.

18 I come to court when the Court orders me to come to
19 court or when I am aware that there is a hearing on a
20 motion. I never received any motion.

21 Then Mr. Accetta said to me on the phone -- by the
22 way, I still haven't received any motion. Then Mr.
23 Accetta said to me on the phone, "You made a Chapter 119
24 request," and I said, "Yes, for the Internal Affairs and
25 Personnel files of the officers only."

1 He said, "That triggers reciprocal discovery."

2 I took a few moments to try to explain to him, I
3 believe it is the Henderson opinion, and I understand
4 it's recently changed to 3.22, and if that is not the
5 case. Chapter 119 request to get the State's discovery
6 response triggers reciprocal discovery, but any
7 citizenship of Florida, even a non-citizen, can make a
8 request to the police department for Internal Affairs or
9 personnel files having to do with police officers and it
10 triggers no discovery obligation. I was at pains to
11 explain that to Mr. Accetta. I had no success.

12 So I finally said, "All right, I will tell you what.
13 Apparently you are intervening in my Chapter 119 request,
14 which is a little unusual but I will hold it in obedience,
15 you can tell the City of Miami Beach Police Department
16 not to respond to it until after the hearing before Judge
17 Trawick."

18 He said, "Fine, that solves the problem," and I
19 thought that was the end of that.

20 Now I have a copy of what is State's Exhibit 1, a
21 stolen vehicle affidavit. I have it because when a
22 citizen fills out a stolen vehicle affidavit, the citizen
23 is given a copy of it. I am sure Mr. Accetta is aware of
24 that and if he was not aware of it, his officers would
25 have been happy to tell him that.

1 Mr. Casey gave it to me. I Xeroxed the appropriate
2 number of copies for use in court and I would be happy to
3 share that with Your Honor. I do not have copies of the
4 police reports in this case. On a couple of occasions I
5 asked Sergeant Hundevadt and he was unclear about whether
6 he said or did assert certain things when I said, "Did
7 you put it in your report," I asked that because officers
8 generally can remember whether something is true or
9 whether they put it in their reports.

10 I don't have the police report but I do have a copy
11 of what is State's Exhibit One.

12 THE COURT: All right.

13 MR. HIRSH: If Mr. Accetta had asked me, I would
14 have told him.

15 THE COURT: All right. I think that answers the
16 question.

17 Now, Mr. Accetta, how many more witnesses do you
18 have?

19 MR. ACCETTA: Judge, I have one more witness and he
20 goes to the last prong of defense motions. He had a
21 motion to suppress statements, motion to suppress
22 physical evidence and a motion to suppress the blood
23 drawn and also Silvagni, if Your Honor chooses, or as you
24 heard Sergeant Hundevadt from the station take taped
25 statements of the consent of the defendant, where he

1 separates from Sergeant Hundevadt, where he places the
2 defendant under arrest and at that point proceeds for a
3 blood draw, which would go to the last prong, so if you
4 want, I can go, without defense objection, into the last
5 prong of -- from placing defendant under arrest, reading
6 Miranda, to the blood draw, instead of going from the
7 station to -- I mean, depending on defense counsel.

8 THE COURT: It is your case, Counsel. You can
9 present it how you see fit, but let me ask the defense:
10 Do you intend to call any witnesses?

11 MR. HIRSH: I do not, Your Honor.

12 THE COURT: All right. Go ahead, State.

13 THEREUPON:

14 OFFICER ROBERT SILVAGNI

15 was called as a witness by the Plaintiff and after being first
16 duly sworn was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. ACCETTA:

19 Q. Please state your name for the record.

20 A. My name is Robert Silvagni.

21 Q. How are you employed?

22 A. I am a police officer with the City of Miami Beach.

23 Q. How long have you been employed in that capacity?

24 A. Fourteen years.

25 Q. Were you so employed on March 11th, 2001?

1 A. Yes, sir.

2 Q. In what capacity were you employed on that day?

3 A. I was assigned as a patrol officer assigned to the
4 Accident Investigation Unit.

5 Q. Did you get called out to an accident investigation
6 on March 11th of 2001, in the early morning?

7 A. Mid-day, actually, by the time I was called. I was
8 notified about 12:25 in the afternoon.

9 Q. Where did you proceed when you were called out?

10 A. I went down to the Miami Beach Police station to our
11 Criminal Investigations Division, the Major's Conference room,
12 where I met with Sergeant Hundevadt and Mr. Casey.

13 Q. And where were they located, if you recall?

14 A. They were sitting in the conference room on opposite
15 sides of the board table.

16 Q. And was the defendant placed in handcuffs at that
17 point?

18 A. No, sir.

19 Q. At this point in time was the investigation -- what
20 did you know about the investigation at that point?

21 A. I had been advised by telephone on the original call
22 from Communication that there had been a traffic fatality. A
23 vehicle that they believed to have been involved had been
24 recovered, that the owner was being spoken to by Sergeant
25 Hundevadt at the police station regarding a stolen vehicle

1 report.

2 Q. When you arrived at the police station, was a stolen
3 vehicle report being taken by the defendant?

4 A. By the officers, yes. Officer Jomarron was doing
5 some of the paperwork in the other room, essentially the
6 community area of the Criminal Investigations Division, and at
7 the table we had a stolen vehicle affidavit supplement.

8 MR. ACCETTA: May I approach, Your Honor?

9 THE COURT: You may.

10 BY MR. ACCETTA:

11 Q. Showing you what has already been entered as State's
12 One, do you recognize this?

13 A. Yes, sir. This is the stolen vehicle affidavit I
14 was referring to.

15 Q. Were you present during this?

16 A. Yes. Mr. Casey filled out about two-thirds of the
17 information and my handwriting is included on that form.

18 Q. Was the defendant forced or coerced to fill out that
19 affidavit in any way?

20 A. No. That is in the course of a normal stolen
21 vehicle investigation that is required of the person reporting
22 the vehicle stolen.

23 Q. At some point in time was Sergeant Hundevadt
24 conducting a taped statement of this defendant?

25 A. Yes, sir.

1 Q. Were you present throughout this statement?

2 A. Yes. I believe I left at one period to answer a
3 radio call out of the room, then returned during that
4 interview.

5 Q. And in that room was it Sergeant Hundevadt and
6 yourself and the defendant was present?

7 A. Yes.

8 Q. At any point did you hear Sergeant Hundevadt or did
9 you personally tell this defendant he was under arrest and he
10 must give a statement to both you and Sergeant Hundevadt?

11 A. No, neither of us said that.

12 Q. Was he at that point a suspect to the original
13 information you received regarding a traffic fatality?

14 A. No.

15 Q. Did the defendant seem to you to understand what was
16 going on in that room?

17 A. Yes. He was very lucid, spoke very clearly.

18 Q. Is that something that would be relevant to a person
19 giving a statement?

20 A. Yes, sir.

21 Q. In your opinion, at that time on March 11th, early
22 afternoon, the defendant understood every question?

23 A. Yes, sir.

24 Q. And he responded to each question?

25 A. Yes, sir.

1 Q. And it reflects that on the tape?

2 A. I believe so. I have never heard the tape since it
3 was created.

4 Q. Now, at some point in time did you request or
5 Sergeant Hundevadt request a consent to search?

6 A. Yes, sir.

7 MR. ACCETTA: May I approach?

8 THE COURT: You may.

9 BY MR. ACCETTA:

10 Q. Showing you State's Exhibit Two, which has already
11 been admitted into evidence, do you recognize that?

12 A. Yes, sir, I do.

13 Q. What is that?

14 A. It is a Miami Beach Police Department search
15 release. It is in English. On the reverse it would have been
16 the Spanish version. The majority of the handwriting there in
17 regard to the first blank area, which indicates the residence
18 and the automobile portion, which indicates the type of
19 vehicle and VIN. It is my handwriting, it is in my
20 handwriting on the date Mr. Casey signed it, then Sergeant
21 Hundevadt and myself witnessed the signature.

22 Q. The information regarding the address of the
23 vehicle, would that information come from the defendant?

24 A. Yes. That was his home address where he indicated
25 some items regarding the vehicle were still located, as well

1 as some clothing items and the vehicle itself based on
2 information that I got from other officers matching the serial
3 number and the tag, description of the defendant's vehicle.

4 Q. Was he read this form or allowed to read this form?

5 A. He was given it after I filled in the information.

6 As I indicated, he apparently tried to sign it right away, as
7 I recall. Sergeant Hundevadt cautioned, "Hey, read what
8 you're signing. Don't be in such a hurry."

9 He reviewed it, then he signed it.

10 Q. Did he make an indication to you that he understood
11 what he was signing and signed it?

12 A. Yes, he did.

13 Q. After the consent to search was signed by this
14 defendant, as well as the taped statement was concluded, at
15 some point in time did you respond to this defendant's
16 address?

17 A. Yes. I personally drove him in my police car. I
18 had a slip top, or I had at the time, you know, a top lighted
19 marked police unit and he sat in the front seat and I drove
20 over to the apartment. I was called by Sergeant Hundevadt and
21 we responded.

22 Q. Now, the defendant was sitting in the front
23 passenger seat?

24 A. That is correct.

25 Q. Was he placed in custody at that point in time?

1 A. No, sir.

2 Q. Was he told that he was under arrest by you?

3 A. No, sir.

4 Q. By any other officer?

5 A. Not that I am aware of, no, sir.

6 Q. You arrived at his location at approximately what
7 time; do you recall?

8 A. At approximately about 2:30.

9 Q. Once you arrived at the location, please explain
10 what happened.

11 A. Officer or Sergeant Hundevadt and I rode up with Mr.
12 Casey to I believe it was the 12th floor. As we approached
13 the apartment we asked him if there was anyone else inside or
14 should there be anyone else inside. He indicated he didn't
15 believe there would be, that no one else had keys.

16 We asked him to unlock the door, which he did. We
17 entered the apartment. We did a quick visual search for any
18 other occupants. Upon walking into the apartment through the
19 hallway door, if you look straight through towards the body of
20 the apartment, the dining room, the kitchen to the right,
21 living room straight ahead, the doorway to the left that leads
22 to the bathroom and bedroom.

23 We took a walk-through, looked around. On the far
24 side of the bed, visible from the doorway and then from the
25 end of the bed was a clothes hamper and that is where some of

1 the evidence was recovered.

2 Q. And specifically what did you see at that point?

3 A. There were a pair of shoes, black shoes; there was a
4 pair of -- I believe it was a shirt, partially covered by a
5 mauve or pink towel that had shards of glass all throughout
6 the fabric.

7 Looking behind me towards the closet, there was
8 another article of clothing with some glass and there was some
9 glass on the carpet. These were just quick observations made
10 by me before I exited. There were no humans, no threats to my
11 safety in there, so I left the room.

12 Q. When you observed these shards of glass, as you
13 indicated, based on your training and experience, did that
14 indicate anything to you at that point?

15 A. I knew that the vehicle in question had a shattered
16 windshield, that any occupants of the vehicle in the car,
17 based on my training and experience as a traffic homicide
18 investigator, when a windshield is hit from the outside and
19 buckles and gives way, the shards of glass are going to be
20 transferred onto any occupants or anything inside the vehicle
21 and that the person facing that is going to have it on the
22 front of their clothes.

23 If a child or someone is lying on the back seat,
24 portions of their bodies that are facing that window that
25 collapsed would have the similar glass and again, small

1 shards, not large pieces, but small, almost like cut blades of
2 grass size amounts, visible to the naked eye, but very minute.
3 That would be on their clothing.

4 Q. At this point in time did that indicate maybe that
5 defendant may have been the driver of that BMW that was
6 involved in the traffic fatality that morning?

7 MR. HIRSH: Objection to the form of the question.

8 THE COURT: Will you rephrase the question, please?

9 BY MR. ACCETTA:

10 Q. Finding shards of glass that you indicated, based on
11 your training and experience do look similar to a windshield
12 that might have been crashed and caved in and understanding
13 that the vehicle involved did have that type of damage, at
14 this point in time did the investigation go from a stolen car
15 report to this defendant can be the suspect that was driving
16 that black BMW?

17 A. Yes, sir.

18 Q. And once you made these observations, did you relay
19 this information to Sergeant Hundevadt?

20 A. Yes, I did, immediately.

21 Q. Was the clothing that was discovered also the same
22 clothing that was told to you that he was wearing earlier on
23 that day in his taped statement?

24 A. He, the defendant, yes.

25 Q. I'm sorry, the defendant.

1 A. Yes, sir.

2 Q. At some point in time did you make a determination
3 that this defendant was going to be placed under arrest?

4 A. Yes, I did.

5 Q. When did that come about?

6 A. I indicated to the Sergeant, in front of Mr. Casey,
7 that the clothes that he was wearing are covered in glass. At
8 this point, I turned to Mr. Casey, I said, "Mr. Casey, we have
9 a problem, I believe this investigation is changing its
10 course."

11 I said, "I have reason to believe that you were the
12 operator of the car at the time of the crash, or at least an
13 occupant, and at this point I am placing you under arrest."

14 Q. Now, Crime Scene arrives at some time during the
15 initial entrance to the home at the discovery of the evidence?

16 A. Yes. They were arriving at about the time that I
17 exited and speaking with Sergeant Hundevadt, telling him about
18 the glass, while I was talking to Mr. Casey, the Crime Scene
19 technician entered the apartment and when he was told he was
20 under arrest he indicated that he needed to make some phone
21 calls and I believe I told Ms. Knowles, the Crime Scene tech,
22 where the evidence was and that I would be with her in a
23 minute.

24 Q. Did Crime Scene arrive prior to you reading Miranda
25 to the defendant?

1 MR. HIRSH: Objection to the form.

2 THE COURT: Objection sustained as leading.

3 BY MR. ACCETTA:

4 Q. At some point did you read Miranda to the defendant?

5 A. Yes, sir, I did.

6 Q. Did Crime Scene arrive prior to that reading of
7 Miranda?

8 A. I believe she did.

9 Q. You directed her to what evidence you had
10 discovered?

11 A. The clothing in the bedroom. Again, I hadn't done a
12 complete inventory, I hadn't really looked at it closely, I
13 had seen what I believe was evidence consistent with again,
14 involvement in a collision. Again, the timing was bad because
15 she came in right as I was speaking with Mr. Casey about that
16 and once we were done and I told him he was under arrest, she
17 had begun the investigation and started photographing the
18 interior of the apartment, inside the apartment, she started
19 doing her, I guess, chronological walk-through and was
20 beginning to take the photographic evidence.

21 Q. At some point, based on your investigation, did you
22 believe that this defendant may be under the influence of
23 alcohol or substance?

24 A. Yes. When I first encountered Mr. Casey at the
25 station, Sergeant Hundevadt indicated to me that Mr. Casey had

1 | already told him that he had been drinking the night before.

2 | While we were seated in that conference room, I did
3 | smell the odor of an alcoholic beverage emanating from Mr.
4 | Casey. At one point, as I walked close to him and allowed him
5 | to sign one of the documents, I could smell that it was coming
6 | from him and not from the sergeant.

7 | While we were in the car together, I could smell the
8 | order of an alcoholic beverage again.

9 | Q. At some point in time would that be relevant in a
10 | traffic fatality, whether or not the person was under the
11 | influence of an alcoholic beverage?

12 | A. Yes, it could be.

13 | Q. And did you do anything at that point to indicate to
14 | the defendant that at this time you were proceeding with a
15 | criminal investigation?

16 | A. At which point?

17 | Q. Once he was placed under arrest.

18 | A. Within a few minutes I realized I needed to make an
19 | attempt to get a blood draw from the defendant and made
20 | arrangements to have some blood kits transported to our
21 | location.

22 | MR. ACCETTA: May I approach?

23 | THE COURT: You may.

24 | BY MR. ACCETTA:

25 | Q. Showing you what has been marked as 1-E and 1-D,

1 starting with 1-E, do you recognize it?

2 A. Yes, sir. Yes. This is a FDLE form, where I am
3 having, in this case, Firefighter Sola perform the blood draw
4 on Mr. Casey.

5 Q. Was he read the exact language or law that is read
6 from the Florida Department of Law Enforcement form about the
7 testing?

8 A. This is just my questioning him after verbally
9 questioning, then I have to watch him make the blood draw that
10 I believe this blue seal did this.

11 Q. Showing you 1-D, do you recognize it?

12 A. Yes. This is a reverse of the form which indicates
13 the law and the request for blood. My signature and the
14 additional information is included. This is filled out
15 entirely by me. This is when I indicated to Mr. Casey, I
16 believe I indicated originally at the apartment and then
17 subsequently right before the blood draw was done by Mr. Sola
18 and in Mr. Sola's presence, that the blood draw was going to
19 be taken, that there would be -- we are asking for his consent
20 to take the blood, due to the nature of the injuries to the
21 victim, that we would be able to mandatorily take the blood
22 and he consented to a voluntary blood draw.

23 Q. And based on your training and experience on driving
24 under the influence cases, if there is a serious bodily injury
25 or death, are you allowed to force a blood draw?

1 A. Yes, sir.

2 Q. The defendant, did he refuse to submit to a blood
3 draw?

4 A. No, he did not.

5 Q. And if he had, would there be an affidavit which is
6 indicated on that form that he filled out, the defendant
7 refused?

8 A. It would have been noted that he refused the blood
9 test and then yes, that we, per the statute, had made
10 arrangements to have the blood withdrawn.

11 Q. Was the blood drawn?

12 A. Yes.

13 Q. Was this after you made a determination that this
14 defendant may have been the driver of that black BMW involved
15 in the traffic fatality earlier that morning?

16 A. Yes.

17 MR. ACCETTA: I have no further questions, Judge.
18 I'm sorry, Judge. I would move 1-E and 1-D into
19 evidence.

20 MR. HIRSH: No objection. I would move them at
21 this point.

22 THE COURT: Without objection.

23 THE CLERK: State's Exhibit 1-E for identification
24 becomes State's Exhibit Number Four and State's Exhibit
25 1-D for identification becomes State's Exhibit Number

1 Five.

2 (Whereupon, the above referred to documents were
3 marked for identification as State's Exhibit Numbers Four
4 and Five.)

5 CROSS-EXAMINATION

6 BY MR. HIRSH:

7 Q. Good afternoon. You are a detective, Officer? How
8 do I address you?

9 A. Officer.

10 Q. Officer Silvagni, your first involvement in this
11 case took place approximately at what time of day?

12 A. Again, when I was first contacted about 12:25 in the
13 afternoon.

14 Q. And you were contacted in your capacity as a vehicle
15 homicide investigator, correct?

16 A. Yes, sir.

17 Q. About 12:25 you said?

18 A. Approximately.

19 Q. At that point you knew that there had been a traffic
20 accident, possibly a traffic fatality, correct?

21 A. Yes, sir.

22 Q. And that involved a car that had been identified in
23 some fashion as being the property, perhaps the property of
24 Sean Casey, right?

25 A. Yes. By the time I had that information, yes. We

1 had identified the owner of the subject vehicle.

2 Q. Did you ever see the car on March 11th personally?

3 A. Yes, in the afternoon. Not prior to my first
4 interview with Mr. Casey, but at the police station, probably
5 around 3:30, quarter to 4:00, somewhere in that range.

6 Q. You were not present at the scene where the car was
7 recovered?

8 A. That is correct.

9 Q. Whatever search was made of the car at that time you
10 were not a participant to?

11 A. Correct.

12 Q. Were you later informed by your fellow officers
13 what, if any, search was conducted and what, if any, property
14 was recovered from the car at scene where the car was found?

15 A. Yes.

16 Q. Tell us about that.

17 A. One of the important things that was mentioned to me
18 is that the -- it appeared that the victim was actually inside
19 the passenger compartment of the vehicle for a period of time
20 and several items, grocery items were located inside the car.
21 A comment was made that whoever was in the car is going to be
22 covered in glass. This is something that has stuck in my head
23 and obviously was triggered where I saw the clothing in the
24 apartment.

25 Q. Do you know whether an inventory was made of the

1 search that was made of the car at the scene where the car was
2 recovered, a written inventory?

3 A. I don't know that and protocol would have it that
4 the vehicle would have been towed unless one of the officers
5 or Officer Nagel requested specific items to be removed, but I
6 believe it would have been towed as-is, without any alteration
7 to the vehicle as it was going to be processed at our police
8 facility.

9 Q. You indicated that you were present when the car was
10 processed at the police impound lot.

11 A. No. I saw it in our station later that day. I was
12 not present for any processing. I just saw that the vehicle
13 was in fact located inside the police station on the first
14 floor.

15 Q. You didn't participate in the inventorying of the
16 contents?

17 A. That is correct.

18 Q. As we sit here today, do you know, for example,
19 whether any items of personal identification, such as driver's
20 license or credit cards were recovered inside the car?

21 A. No. The only item that I'm aware of was a valet key
22 was located in the center console. That had been a question
23 during our interview with Mr. Casey, Sergeant Hundevadt and I
24 as we were trying to determine if there was a way that someone
25 else could have taken the vehicle.

1 Q. Do you know where that valet key is now?
2 A. No, sir, I do not.
3 Q. Did you personally attempt to start the key with the
4 valet key?
5 A. No, sir.
6 Q. Did any of your fellow officers do that in your
7 presence?
8 A. No, sir, not that I'm aware of.
9 Q. I take it then that the first time you ever laid
10 eyes on Sean Casey that you are aware of would be
11 approximately one o'clock in the afternoon of March 11th?
12 Does that sound about right?
13 A. Yes. Just prior to that, I am sure, yes.
14 MR. HIRSH: May I approach the witness, Your Honor?
15 THE COURT: You may.
16 BY MR. HIRSH:
17 Q. Officer, this is State's Exhibit One, which is in
18 evidence for this proceeding. This is a stolen vehicle
19 affidavit; is that correct?
20 A. Yes, sir.
21 Q. You indicated that you were present when Mr. Casey
22 signed that.
23 A. Yes. My signature is below as the witness to the
24 identification and the signature.
25 Q. Would it be correct to say that he signed that --